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The Board of Supervisors of the County of San Bernardino, State of California,
ordains as follows:

12.1907 Authority of County Counsel Regarding Certain Actions.

(b) The County Counsel or his or her designee is authorized to allow, deny, compromise or settle any claim or lawsuit that is presented or filed against San Bernardino County or other Board governed entity, its officers or employees provided:

1

1 (2) The claim or lawsuit is not subject to the terms of an insurance policy
2 wherein the insurer is granted the authority to allow, deny, compromise or settle claims
3 or actions within the scope of such policy;

4 (3) The action is not one which the Risk Management Department is
5 actively handling pursuant to County Code section 12.3405; and

6 (4) The action does not involve an employee's or former employee's
7 claim that alleges, solely, entitlement to back-pay.

8 (c) The County Counsel or his or her designee is authorized to settle any claim
9 or lawsuit that is presented or filed by San Bernardino County or other Board governed
10 entity against any person or entity provided the settlement is no more than \$50,000 less
11 than what is owed to the County or other Board governed entity; provided further, that if
12 the matter is in litigation, whether in a court of law or administrative proceeding, the
13 compromise or settlement is with the concurrence of any County department or other
14 Board governed entity involved in the action.

15 (d) In all actions or lawsuits that are allowed, compromised or settled, the
16 Auditor-Controller shall, upon written order of the County Counsel or his or her designee,
17 and in accordance with the terms of such allowance, compromise or settlement, cause
18 the necessary warrant to be issued upon the Treasury of San Bernardino County or other
19 Board governed entity in an amount for which such claim, lawsuit or Workers'
20 Compensation claim or action has been allowed, compromised or settled pursuant to this
21 Section.

22
23 SECTION 2. Section 12.3405 of the San Bernardino County Code is amended, to
24 read:

25 **12.3405 Authority of the Risk Manager.**

26 (a) The Risk Manager shall have the power to shut down any County or other
27 Board governed entity operation or facility which represents an imminent hazard to
28 County or other Board governed entity employees or to the public.

1 (b) The Risk Manager or his or her designee, with consent from the County
2 Counsel, is authorized to consent to the filing of a lawsuit, cross-complaint, lien, or other
3 legal action on behalf of San Bernardino County or other Board governed entity to seek
4 compensation for damage to property or personal injury to a County or other Board
5 governed entity employee occasioned in the course and scope of the individual's
6 employment.

7 (c) The Risk Manager or his or her designee is authorized to allow, deny,
8 compromise or settle any tort liability claim or lawsuit that is presented or filed against San
9 Bernardino County or other Board governed entity, its officers or employees provided:

10 (1) The amount to be paid pursuant to such allowance, compromise or
11 settlement does not exceed \$50,000; provided further, that if the matter is in litigation,
12 whether in a court of law or administrative proceeding, the allowance, compromise or
13 settlement is with the concurrence of the County Counsel; and

14 (2) The claim or lawsuit is not subject to the terms of an insurance policy
15 wherein the insurer is granted the authority to allow, deny, compromise or settle claims or
16 actions within the scope of such policy.

17 (d) The Risk Manager or his or her designee is authorized to settle any tort
18 liability claim or lawsuit that is presented or filed by San Bernardino County or other Board
19 governed entity against any person or entity provided the settlement is no more than
20 \$50,000 less than what is owed to the County or other Board governed entity; provided
21 further, that if the matter is in litigation, whether in a court of law or administrative
22 proceeding, the compromise or settlement is with the concurrence of the County Counsel.

23 (e) The Risk Manager or his or her designee is authorized to negotiate and
24 settle any claim, lawsuit, lien, or other legal action that seeks to recover money paid by
25 San Bernardino County or other Board governed entity for workers' compensation
26 benefits provided:

27 (1) The County Counsel consents to the settlement terms; and

28 (2) Except when approved by the County Counsel, Chief Executive

1 Officer, and Chair of the Board of Supervisors, if the matter involves a claim or lawsuit
2 filed or presented against a third party by the employee who received workers'
3 compensation benefits, the County or other Board governed entity shall not receive
4 more than the lesser of: (i) Fifty percent of the total amount to be paid to the employee
5 by the third party in the settlement or judgment; or (ii) An amount equal to fifty percent
6 of the total amount of workers' compensation benefits the County paid the employee.

7 (f) The Risk Manager or his or her designee is authorized to allow, deny,
8 compromise or settle a Workers' Compensation claim or lawsuit that is filed against San
9 Bernardino County or other Board governed entity provided:

10 (1) The claim or lawsuit is for benefits as defined under the Workers'
11 Compensation Laws of the State of California;

12 (2) The claim or lawsuit is not subject to the terms of an insurance policy
13 wherein the insurer is granted the authority to allow, deny, compromise or settle claims or
14 actions within the scope of such policy;

15 (3) That any such compromise or settlement is approved by the Workers'
16 Compensation Appeals Board (WCAB); and

17 (4) Except as hereinafter provided, the amount to be paid pursuant to
18 such compromise or settlement does not exceed \$50,000; provided further, that if the
19 matter is in litigation, whether in a court of law or administrative proceeding, the
20 compromise or settlement is with the concurrence of County Counsel or the attorney
21 retained to represent San Bernardino County or other Board governed entity. If the
22 amount to be paid exceeds \$50,000, the compromise or settlement must be approved by
23 the Board of Supervisors, unless the amount of compromise or settlement is to meet
24 State-mandated payments or benefits under the Workers' Compensation Laws of the
25 State of California such as WCAB-approved lump sum payments for permanent disability,
26 life pension, burial expense and/or death benefits or unless the WCAB enters an award
27 or other judgment or order.

1 (g) In all claims or lawsuits that are allowed, compromised or settled, the
2 Auditor-Controller shall, upon written order of the Risk Manager or his or her designee,
3 and in accordance with the terms of such allowance, compromise or settlement, cause
4 the necessary warrant to be issued upon the Treasury of San Bernardino County or other
5 Board governed entity in an amount for which such tort liability or Workers' Compensation
6 claim or action has been allowed, compromised or settled pursuant to this Section.
7

8 SECTION 3. The Board of Supervisors declares that it would have adopted this
9 ordinance and each section, sentence, clause, phrase, or portion of it irrespective of the
10 fact that any one or more sections, subsections, clauses, phrases or portions of it be
11 declared invalid or unconstitutional. If for any reason any portion of this ordinance is
12 declared invalid or unconstitutional, then all other provisions of it shall remain valid and
13 enforceable.
14

15 SECTION 4. This ordinance shall take effect thirty (30) days from the date of
16 adoption.
17

18 _____
DAWN ROWE, Chair
Board of Supervisors
19

20 SIGNED AND CERTIFIED THAT A COPY
21 OF THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIR OF THE BOARD

22 LYNNA MONELL, Clerk of the
23 Board of Supervisors
24
25 _____
26
27
28

1 STATE OF CALIFORNIA)
2) ss.
3 SAN BERNARDINO COUNTY)

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of San Bernardino County,
5 State of California, hereby certify that at a regular meeting of the Board of Supervisors of
6 said County and State, held on the _____ day of _____, 20____, at which meeting
7 were present Supervisors: _____

8 and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to
9 wit:

10 AYES: SUPERVISORS:

11 NOES: SUPERVISORS:

12 ABSENT: SUPERVISORS:

13 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal
14 of the Board of Supervisors this ____ day of _____, 20____.

15 LYNNA MONELL, Clerk of the
16 Board of Supervisors of
17 San Bernardino County,
18 State of California

19 _____
20 Deputy

21 Approved as to Form:

22 TOM BUNTON
23 County Counsel

24 By: _____
25 JOLENA E. GRIDER
26 Deputy County Counsel

27 Date: _____
28